

3965. Misbranding of "Dennis' Eucalyptus Ointment." U. S. v. Dennis Mfg. Co. Plea of guilty. Fine, \$100. (F. & D. No. 5913. I. S. No. 9205-e.)

On January 29, 1915, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Dennis Mfg. Co., a corporation, Berkeley, Cal., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about January 24, 1913, from the State of California into the State of Oregon, of a quantity of "Dennis' Eucalyptus Ointment," which was misbranded. The product was labeled: (On carton) "Dennis' Eucalyptus Ointment A Valuable Remedy for Catarrh, Cold in the Head, Piles, Hay Fever, Poison Oak, Burns, Scalds, Etc. Price 50 Cents Manufactured by The Dennis Manufacturing Co. Sutter Creek and Berkeley, Cal." (Trade mark on back) (On side) "Dennis' Eucalyptus Ointment This Remedy has never been known to fail to relieve Catarrh, Cold in Head, Hay Fever or any inflammation of the Mucous Membrane, when used according to directions. Dennis' Eucalyptus Ointment For Burns or Scalds This Ointment relieves the pain from a burn instantly. Relieving as instantly as when burned parts are dipped in cold water." (On bottom flap) "Dennis' Eucalyptus Ointment A Valuable Remedy for Catarrh, Hay Fever, Cold in the Head and Throat, Croup, and all inflamed mucous membrane." (On top of flap) "Dennis' Eucalyptus Ointment For Itching Piles It has no equal Guaranteed by the Dennis Manufacturing Co. Under the Pure Food and Drugs Act June 30, 1906. Serial Number 4680." (On box) "Dennis' Eucalyptus Ointment A Valuable Remedy for Catarrh, Colds in the Head, Burns, Scalds, Etc. Sutter Creek and Berkeley, Cal. Price 50c. Dennis M'fg Co. Serial Number 4680." The circular accompanying the product contained, among other things, the following: "An effectual and invaluable remedy which has been thoroughly tested by those suffering from Catarrh, Hay Fever, Cold in the head, Croup, Itching Piles, Old and New Sores, Cuts, Scalds, Bruises, Wounds, Rheumatism and all aches and pains requiring an external remedy. The result in every case has been most gratifying and produces the most wonderful results in arresting and relieving the diseases and complaints above mentioned. From its composition and the mode of its manufacture, it is necessarily the most valuable remedy agent ever offered to the public." "Use Dennis' Eucalyptus Ointment in your families and thus check a catarrhal or bronchial irritation from extending down the bronchial tubes, causing consumption or some incurable ulceration that only a fifty-cent jar of Dennis' Eucalyptus Ointment would have relieved or cured." "Don't Forget that it is a great relief and remedy for Catarrh, Hay Fever, Cold in the head and all aches and pains requiring an external remedy. In fact, daily are the testimonials handed in commending Dennis' Eucalyptus Ointment as a perfect remedy for the diseases enumerated, and relieving and quieting many affections for which it was not originally intended." "Do not let baby die with the Croup. When all give her up run for Dennis' Eucalyptus Ointment Will relieve instantly the worst cases." "Catarrh and Hay Fever Relieved immediately." "Hundreds of people with Asthma swear by it."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it consisted essentially of oil of eucalyptus, menthol, a possible trace of camphor, and soft paraffin. No mercury salts, salicylates, metallic salts, ammonium salts, boric acid or borates found. No alkaloids found.

Misbranding of the product was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, (On carton) "A valuable remedy for catarrh * * * Piles, hay fever * * * This remedy has never been known to fail to relieve * * * any inflammation of the mucous membrane when used according to directions," were false and fraudulent, in that the same were applied to said article knowingly, and in reckless and wanton disregard of their truth or falsity, so as to

represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief that it was, in whole or in part, composed of or contained, ingredients or medicinal agents effective as a valuable remedy for catarrh, piles, hay fever, and all inflammation of the mucous membrane, when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain, ingredients or medicinal agents effective as a remedy for catarrh, piles, hay fever, or all inflammation of the mucous membrane. Misbranding was alleged for the further reason that the following statements regarding the therapeutic or curative effects of said article included in the circulars or pamphlets aforesaid, to wit, "An effectual and invaluable remedy which has been thoroughly tested by those suffering from Catarrh, Hay Fever, * * * Croup, Itching Piles, * * * Rheumatism, and all aches and pains requiring an external remedy. The result in every case has been most gratifying and produces the most wonderful results in arresting and relieving the diseases and complaints above mentioned. From its composition and the mode of its manufacture, it is necessarily the most valuable remedy agent ever offered to the public." "Use Dennis' Eucalyptus Ointment in your families and thus check a Catarrhal or Bronchial Irritation from extending down the bronchial tubes, causing consumption or some incurable ulceration that only a fifty-cent jar of Dennis' Eucalyptus Ointment would have relieved or cured." "It is a great relief and remedy for Catarrh, Hay Fever * * * and all aches and pains requiring an external remedy. In fact, daily are the testimonials handed in commending Dennis' Eucalyptus Ointment as a perfect remedy for the diseases enumerated." "Do not let baby die with the Croup. When all give her up run for Dennis' Eucalyptus Ointment Will relieve instantly the worst cases." "Catarrh and Hay Fever Relieved Immediately." "Hundreds of people with Asthma swear by it," were false and fraudulent in that by means of such circular or pamphlets they were applied to said article knowingly, and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof, the impression and belief that it was, in whole or in part, composed of or contained, ingredients or medicinal agents effective as an invaluable remedy for catarrh, hay fever, croup, itching piles, rheumatism and all aches and pains requiring an external remedy, and effective in checking catarrhal or bronchial irritation from extending down the bronchial tubes, and effective for the relief and cure of asthma, when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain, ingredients or medicinal agents effective as a remedy for catarrh, hay fever, croup, itching piles, rheumatism, and all aches and pains requiring an external remedy, and effective in checking catarrhal or bronchial irritation from extending down the bronchial tubes and effective for the relief and cure of asthma.

On February 24, 1915, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 17, 1915.*